

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, June 9, 2010 – 9 a.m. – Room 119
Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

Members Present

Tom Thornberry, *Chairman*
Edmund T. Hittson, *Vice-Chairman*
Bob Stout, *Secretary*
Bill Truex
Audrey Seay

Staff Present

Derek Rooney, *Assistant County Attorney*
Nicole C. E. Dozier, *Zoning Official*
Ken Quillen, *AICP, Planner III*
Diane Clim, *Recorder*

I. Call to Order

Chairman Thornberry called the June 9, 2010 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chairman Thornberry led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present.

IV. Swearing In of Those Giving Testimony

Diane Clim swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: A motion was presented by Bob Stout and seconded by Bill Truex to approve the minutes of the May 12, 2010 meeting of the Board of Zoning Appeals, with a unanimous vote.

VI. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the June 9, 2010 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chairman Thornberry introduced staff. *Nicole Dozier, Zoning Official, Attorney Derek Rooney, and Chair Thornberry* made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VIII. New Business

The following petitions were advertised on May 25, 2010: VAR-10-07; VAR-10-08; VAR-10-09; VAR-10-10; SE-10-10 and SE-00-09(MI)

Petition #VAR-10-07

Francis Damas is requesting a variance to reduce the required front yard setbacks from 40' to 23.9', for an agricultural storage building in an Agricultural Estate (AE) zoning district. The property address is 32151 Oil Well Road, Punta Gorda, Florida and is described as Parcels P1-71, located in Section 21, Township 42 South, Range 24 East. The property contains +/- 5 acres. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Francis Damas, applicant, said he was sworn in. He said he was in agreement with the county staff report. They had to elevate the soil where the building is to go because it is subject to flood.

Mr. Hittson asked Mr. Damas if he was aware he needed a building permit before starting the building?

Mr. Damas said yes, but the man who was doing the contraction had informed us he had a building permit. Initially, we thought the survey we had was valid because it is one year old, but the requirements in Charlotte County is it had to be under one year old. That is the time we found out the boundaries had changed, which pushes us back into the lake for construction.

Mr. Quillen said state statutes do not require a building permit for agriculture land, but our county requirement does for under a certain acreage.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

Lester Stefanis, who lives across the street, said he does not have any problem with this building going in across the street. There was a greenhouse in the right of way, but he removed that.

There being no further requests to speak for or against the petition, Mr. Truex moved to close the public hearing, seconded by Mr. Stout. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: A motion was presented by Bill Truex and seconded by Audrey Seay that Petition VAR-10-07 be APPROVED based on the Growth Management Staff Report dated June 1, 2010 the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the variance with 2 conditions.

Motion was approved with a unanimous vote with the following conditions:

1. This variance as approved by the Board of Zoning Appeals is to reduce the required front yard setback from 40' to 23.9 to allow the existing 2,906 square foot accessory storage building to remain "as is", as shown on the survey labeled Exhibit "B" submitted with this application.
2. This variance extends only to the existing 2,906 square foot accessory storage building as indicated in this application and shall carry with this structure only. If this accessory storage building is later removed or replaced, all future redevelopment must be constructed according to all applicable setbacks and codes in existence at that time, unless a new variance is granted specific to the development proposed at that time.

Petition #VAR-10-08

Duane Gooch is requesting a variance to reduce the required rear yard setback along a waterway from 20' to 10.0' to allow a porch to be located in the rear yard in a Mobile Home Park (MHP) zoning district. The property address is 10101 Burnt Store Road, Unit 15, Punta Gorda, Florida and is located in Section 29, Township 41 South, Range 23 East. The property contains +/- 3,300 square feet. A complete legal description and additional information are on file.

Ken Quillen handed out a letter to the Board members and the petitioner, sent in to the Zoning Department from Dennis and Elin Stephan, opposing this request. He then presented general information and staff findings for the petition.

Mr. Thornberry asked about the exhibits, the only reason this is not working is because his trailer is 4 feet bigger, correct? He has set it at the same angle as the other one.

Mr. Quillen said correct and the new mobile home does fit on the lot, it got permitted, but the porch he wishes to build on the new mobile home would not be permitted by code.

Applicant Presentation

Mike Dietman for Duane Gooch, said he has been sworn in. He handed out some documents. One item showed an original agreement with Mr. Gooch showing they would replace that home with a used home that is up to current codes, meeting all setbacks on this lot. Before starting any permitting, he went to the Zoning department and spoke with one of the technicians who looked up the setbacks on this parcel. She referred to some Variances and signed off it would be 10 feet to the side, 10 feet to the street and 10 feet to the water. We went ahead, got the home built and got a certificate of occupancy. We never stated we were going to put the same size home on there. We stated what size home would go on there by the permit and got the C.O. We were not rejected until we started the permitting for the porch on the back of the home.

Mr. Thornberry asked am I understanding that the new mobile home is not in compliance with the 20' setback?

Mr. Dietman said that is correct, it is not.

Mr. Truex asked just for clarification, I'm showing 15 feet to the back right corner, is this correct?

Mr. Quillen said that is a good question. The applicant has submitted all these drawings and they are all different. That is what has been part of the problem. The original permit for locating the mobile home on the site is different from the one he submitted to us with his application. I requested from the applicant a signed and sealed sketch of the current conditions. Exhibit A is suppose to be the existing conditions.

Mr. Truex said the Exhibit A shows a 15 foot setback.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mr. Truex moved to close the public hearing, seconded by Mr. Stout. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

Mr. Hittson asked what about the representations made by the Zoning Technician? It appears she has allowed a 10 foot setback?

Mr. Quillen said when he inquired, this is what she told him, but we have informed him that this was an error by staff and we correct errors when we find them.

Mr. Hittson asked the County Attorney did he have the right to rely on these incorrect statements?

Mr. Rooney said there is no estoppel for mistakes. You don't get to rely on that. In this instance, we are not dealing with the principal structure. We are dealing with a request to add a rear yard setback. If he is entitled to ask for any relief, it is to the principal structure not to the addition on the back.

Mr. Truex said in the Zoning Tech's notes, she indicated other variances, so it is very possible she indicated that a variance would be required to get that variance.

Mr. Thornberry asked how do you represent the applicant?

Mr. Dietman said he purchased the mobile home from us. We are responsible for the setup.

Mr. Thornberry asked are you the General Contractor?

Mr. Dietman said yes.

Mr. Thornberry asked in the package you gave us, one page shows units distance to street, distance to creek. Do unit numbers correlate to lot numbers?

Mr. Dietman said yes. Those are the neighboring lots in either direction.

Mr. Thornberry asked how long have you been doing this in this park?

Mr. Dietman said 20 years.

Mr. Thornberry asked of lots 12-18, which are not in compliance, did you do any of those?

Mr. Dietman said no he did not.

Mr. Thornberry asked are any of them relatively new?

Mr. Dietman said yes.

Mrs. Dozier, Zoning Official, said there was a time when the hurricane took place, the County was allowing people to replace mobile homes in the exact location where it was prior to the hurricane, so in those instances, the mobile homes were placed back in the setbacks which were not compliant. That was being done for some time after the hurricane. The issue in this case, is the applicant has something larger than they had before. In the previous occasions with the neighbors, it is quite possible they just returned what they had before, which is the reason why it is still not compliant.

ACTION: A motion was presented by Ed Hittson that VAR-10-08 be Approved based on the Growth Management Staff Report dated June 1, 2010, the evidence presented at the hearing, and finding the applicant Has Met the requirement granting the Variance subject to the 2 conditions set forth by staff. Mr. Thornberry seconded for discussion purpose.

Mr. Stout said he was not in favor because the applicant did not meet 5 of the 7 criteria, he has other options. He can have a deck instead of a porch.

Mrs. Seay said she was in agreement with Mr. Stout.

Mr. Thornberry said he second it for discussion. It is a nice mobile home park. I am surprised none of the Creekside owners attended to object and/or approve this variance. I have not heard anyone objecting to anything. Let him have his porch.

Mr. Hittson said the motion made precludes the porch. One of the conditions is that the porch not be allowed.

Mr. Thornberry said then he misspoke, he would not have even seconded the motion.

Mr. Quillen said the motion was to approve the staff report and the conditions, and staff recommended granting a variance to allow a 15 foot setback for the existing mobile home as is, but no porch addition.

Mr. Thornberry asked for a vote.

Motion was approved with a vote of 4 to 1 (Mr. Thornberry voted no) with the following conditions:

1. This variance as approved by the Board of Zoning Appeals is to reduce the rear setback required along a waterway from 20' to 15' to only allow erection of the proposed 935 square foot mobile home, and not the enclosed porch, as shown on the drawings submitted with this application.

2. This variance extends only to the mobile home residence as proposed in this application and shall carry with this structure only. If this mobile home is later removed or replaced, all future redevelopment must be constructed according to all applicable setbacks and codes in existence at that time, unless a new variance is granted specific to the development proposed at that time.

Petition #VAR-10-09

SMH Group, LLC, is requesting five variances: (1) to increase the maximum height of a building from 3 stories to 4 stories; (2) to reduce the required north side yard setback from 19.5' to 2'-6"; to reduce the required south side yard setback from 19.5' to 5'-2"; (4) to allow obstructions to occupy parts of both required 10' side buffer strips as per the plans submitted; and (5) to reduce parking requirements from 11 spaces to 8 spaces; to allow a proposed four unit multifamily residence in a Manasota Multifamily-12 (MMF-12) zoning district. The property address is 1780 Gulf Boulevard, Englewood, Florida and is described as part of Lot 29 of Chadwick's Subdivision located in Section 12, Township 41 South, Range 19 East. The property contains +/- 15,500 square feet. A complete legal description and additional information are on file.

Ken Quillen passed out a few handouts. One was a copy of the portion of the Manasota Key code and the others are letters/emails the County has received regarding this request. Mr. Quillen presented general information and staff findings for the petition.

Applicant Presentation

Scott Richie, DMK Associates, said he was sworn in and unfortunately, Mr. Fisher could not attend so he is here in his place. Since he is not familiar with this application, he asked that the application be discussed on its merits.

Mr. Thornberry asked if he read the analysis and conclusions and if he goes along with the staff report and conditions?

Mr. Richie said the applicants asked him to state that they do not agree with the staff recommendations.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

Betty Sue Carol, South Manasota Key Association and various other boards, said they conducted a survey of all residents and the survey showed support of the overlay code. She discussed the area and said the parking would be an issue. They do not agree with the reduced parking.

Ed Wotitsky, Esq., said he was sworn in. He is representing Englewood Beach and Yacht Club. This is a condominium located on both sides of Gulf Blvd. His client objects to the requested variances for a number of reasons. There are a number of court cases that deal with variances. He discussed a few of those cases and said there is not a unique hardship for this property.

Robert Moore, Esq., said he was sworn in. He represents L. Guy and Condominium Association Inc., which is the association just to the south of the property. The burden is on the applicant to prove they meet the criteria. Their narrative says we meet all these criteria. There are no facts or figures, nothing to prove they meet the criteria. We agree with the staff findings.

Ed Strychowski, lives at 2731 Beach Road, said he was sworn in. Manasota Key is a special place. There is a unique character on this island. Granting any variance for this site, would be wrong. He is against this request.

Mike McClain, resident on Manasota Key, said he is against this request.

Kendall Jackson, resident on Manasota Key, Shoreview Drive, said he is against this request. He used to be able to see the beach, but other variances made him not able to see the beach.

Tom Schafer, resident on Manasota Key, said the structure is oversized and too tall. There is a drainage project currently going on and he is concerned with the setbacks and drainage for a new building.

There being no further requests to speak for or against the petition, Mr. Stout moved to close the public hearing, seconded by Mrs. Seay. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

There was some discussion about the parking spaces, size, and if they met all the criteria for a variance.

ACTION: A motion was presented by Ed Hittson and seconded by Audrey Seay that Petition VAR-10-09 be DENIED based on the Growth Management Staff Report dated June 1, 2010 the evidence and testimony presented at the hearing and finding that the applicant HAS NOT MET the required criteria for the granting of the variance for Conditions # 1, 2, 4, 5, 6 and 7 on the side yard encroachments; setbacks # 1, 2, 4, 5, 6 and 7; and on the obstructions, has failed to meet conditions # 1, 2, 4, 5, 6 and 7; however, on the parking variance, APPROVE reducing the parking spaces from 11 to 8 with the provision that the 10 foot side setback requirements still be adhered to in regard to parking.

Motion was approved with a unanimous vote.

Note: Mr. Truex recused himself from taking part on the following petition

Petition #VAR-10-10

Rawy Shediak is requesting four variances: (1) to reduce the required north side yard setback from 13.6' to 10' for an addition and from 13.6' to 1.5' for an existing two-family residence; (2) to reduce the required south side yard setback from 13.6' to 10'; (3) to allow obstructions to occupy parts of both required 10' side buffer strips and 30' front yard buffer strip as per the plans submitted; and (4) to reduce parking requirements from 6 spaces to 5 spaces; to allow a proposed addition to an existing non-conforming two-family residence in a Manasota Multifamily-7.5

(MMF-7.5) zoning district. The property address is 1280 Shore View Drive, Englewood, Florida and is described as Lot 4 and the southerly 15' of Lot 3 all in Block A of Englewood Shores Subdivision, located in Section 13, Township 41 South, Range 19 East. The property contains +/- 13,000 square feet. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

For the Record – Mrs. Seay left the meeting at approximately 11:45 a.m. (now) due to illness

Applicant Presentation

Tim Krebs, agent for the applicant, said he was sworn in. **Mr. Krebs** said he has been in communication with the Manasota Key “people” since the day he picked up the pencil. What has happened is there is conflict between the County and Manasota Key understanding the intent of their code. The code needs some “tweeking”. I am disappointed with the staff report and fear that as I show you things relevant to this request, it may lead to an appeal rather than a variance. The two major items here is an injustice to Manasota Key. My office is across from Manasota Key. I have worked on some of the Board members houses. I am familiar with Manasota Key and their intent and watched this from date of development. We are still working on things to “tweek” the Ordinance. I know their intent. When we have a conflict, it deserves some research. The two major elements of this variance, involve a measurement that involves setbacks. The County does not acknowledge the history setback of waterfront which deals with the step setback. The Manasota Key people feel if you don’t use this setback, you will end up with a 50’ lot with 3 single wides stacked on top of each other. He discussed the building height and the designation being confused with the Florida Building Code of the building height. He discussed an “A” frame. He said yard minimum was always the intent of the Manasota Key overlay people, which he will follow and show. If yard minimum is not shown anywhere in the code, it further tells you that it is the measurement you should be using. That leads to a step setback solution to these lots, especially the 50 footers. If you do not use a step setback, every resident of Manasota Key that runs into a problem will be standing here before you asking for a variance. He also said, the BZA board is not permitted to grant the variance, which is a legal documents that are attached to the back (he said he will explain this). He discussed the definition of yard minimum and using the step setback.

Mr. Rooney, Asst. Co. Attorney, read into the record the Code that discusses the building height (Article 3-9-2) is the vertical distance from the lowest minimum habitable floor elevation for which a building permit may be issued, to the highest point of the roof structure. He asked Mr. Krebs why he has a different interpretation.

Mr. Krebs said he believes the County suggested a variance. I believe it might have to take a letter stating this is not allowed, and then he can come forward with the Manasota Key asking for an appeal.

Ms. Dozier said the Code has a setback position for waterfront properties. This is applicable to all waterfront properties within Charlotte County with the exception of Manasota Key, because Manasota Key has its own code and provisions applicable to them. The provision that he is particularly pointing out is the step setback, which allows you to have multi-story structures and as each of the different heights of the different levels go up, that is what the bases of your

setback calculation point is. That is done on all waterfront properties within the county. However, Manasota Key's position as read by the County Attorney does not state that you use the County's interpretation of waterfront setback property, it has its own. It uses one-half the building height as defined by Sec. 3-9. She suggested the Manasota Key Committee modify their code to reflect that they are utilizing the waterfront provision of our current County Code as opposed to what they have written in their current overlay. This is not the venue to modify that code.

Mr. Thornberry said we are dealing with side yard setbacks, off-street parking issues/requirements and upstructions. I don't know if we should be deciding, other than the parking issues, the measured height.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

Betty Sue Carol said she agrees there needs to be some tweeking to the overlay code. The dilemma lies in the fact that when the overlay code was written, the measurement of height was changed. The reason it was changed, is because FEMA keeps changing their levels of requirements for the first floor. The overlay code measures from something equivalent to sea level. The wedding cake diagram speaks for the first habitable floor. There have been numerous buildings built on the wedding cake design on Manasota Key, especially with the ones with irregular roof lines. The way I understand it is, on any given point on the building that is above the habitable floor, you can measure to the property lines and that is where you set half the distance. If there is a building with an irregular roof line, at this point, the lower roof line, the setback would be less than it would be if you had a higher roof line, then you have a greater setback because you would have more height.

Jake Landis, who was on the architect review committee, said he was sworn in. He said when this case came up, there was some question and interpretation. At that time, he was asked to consult with Buddy Braselton at the County to get an interpretation, which I did. Mr. Braselton said the wedding cake design applies and that is the way we did it.

Steve Portman, lives on the lot south of the proposed project, was sworn in. He said he just moved in 6 weeks ago, but he agrees this project is outrageous. These non-conforming lots are pretty much cottages. The road, Shore View Drive, is a paved road. There is a spur, which is a dead end with maybe 5 gulf view homes, but there is a flood risk from the gulf. By taking up some of the land that can absorb excess water, the flooding risk increases.

There being no further requests to speak for or against the petition, Mr. Stout moved to close the public hearing, seconded by Mr. Hittson. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

ACTION: A motion was presented by Bob Stout and seconded by Ed Hittson that Petition VAR-10-10 be DENIED based on the Growth Management Staff Report dated June 1, 2010 the evidence and testimony presented at the hearing and finding that the applicant HAS NOT MET the required criteria for the granting of the variance, except for condition # 3. The

required criteria for the granting of the variance, however, we approve reducing parking requirements from 6 spaces to 5, including condition 6 spaces to 5 for a two family residence.

Motion was approved with a vote of 3to 0.

Petition #SE-10-10

Charlotte County Utilities is requesting a special exception to allow an essential service, consisting of a sanitary sewer lift station, in a Residential Single-family 3.5 (RSF-3.5) zoning district. The property address is 132 Angol Street, Harbor Heights, Florida and is described as Lot 17 of Block 551 of Punta Gorda Isles Sub-section 20, in Section 4, Township 40 South, Range 23 East. The property contains +/- 10,700 square feet. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Richard Matzko, Engineer 1 and Ruta Vardys, Project Engineer for Charlotte County Utilities, represented the applicant and both were sworn in.

Mr. Thornberry asked where the existing lift station was.

Mr. Matzko said it is across the street. He said it supports 11 other lift stations, which dump into this lift station.

Mr. Thornberry asked why they do not want to landscape this project?

Ruta Vardys, Project Engineer, said last summer the Utility department was directed by the Board of County Commissioners to submit any projects that required landscaping. Last July a number of lift station sites were submitted and the Board's decision was to exempt these lift station sites from landscaping requirements. They are trying to save money due to this economy. Landscaping also includes maintenance and we do not really have the funds for that. The documentation to exclude the landscaping did not have the special exception for a couple of lift stations, but also at that time, we had not applied for this lift station's special exception. Our position is we would like to follow the Board's exemption, but we also would not want the special exception denied. Maybe the special exception can be approved pending a legal review for the landscaping.

Mr. Thornberry asked which way is the flow for the sewage?

Mr. Matzko said it is south.

Mr. Thornberry asked how many lots that lift station picks up and move?

Mr. Matzko said about 3,500.

Mr. Hittson asked how many gallons will this be?

Mr. Matzko said I didn't bring the numbers with me but it supports that many lift stations to the north.

Mr. Hittson asked what happens if you have a failure? I walk by these lift stations with my dog in the morning and the smell that comes out of these stations is horrific. Can you guarantee this lift station will not give off any odor?

Mr. Matzko said they have alarms – audio and visual. People can call in and we can tell from the alarms what is going on. There is an odor control.

There was discussion about the size and odor control on the system. This lift station qualifies to be a master lift station. There are twice weekly visits. There will be a fenced off area for security reasons. This is an ideal location for this lift station.

Mr. Thornberry said he has one near his house and once every 6 weeks, when the wind is blowing in his direction, the smell is horrible. He feels bad for the people in this area.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

George Kearns, President of Section 20, Deep Creek Property Owners Association, said he was sworn in. The property association area includes this piece of property. A member who received a notice within 200 feet asked him to look at the notice. He is also concerned about the lack of landscaping. This is a deed restricted community. One of the deed restrictions is landscaping. He feels the Board of County Commissioners would not have restricted this landscaping if they knew it was in the middle of a residential area.

Mike Brown, a Director on the Property Owners Association for Section 20, said he was sworn in. What he likes about this site is there will be a driveway, but he would like to see landscaping put in. Mostly on the sides for the neighbors.

There being no further requests to speak for or against the petition, Mr. Stout moved to close the public hearing, seconded by Mr. Truex. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

ACTION: A motion was presented by Bob Stout and seconded by Bill Truex that Petition SE-10-10 be APPROVED based on the Growth Management Staff Report dated June 1, 2010 the evidence and testimony presented at the hearing and finding that the applicant HAS MET/or WILL MEET the required criteria for the granting of the special exception with 4 conditions.

Motion was approved with a vote of 3 to 1 (Mr. Hittson voted no) with the following conditions:

1. This special exception is for an essential service consisting of a sanitary sewer lift station and extends only to the land included in the Site Plan and legal description submitted with this application.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes, including landscaping, are applicable to the construction and operation of the proposed sanitary sewer lift station.
3. A landscape plan showing the minimum landscaping requirements of code for an essential service according to Chapter 3-5, Article XVIII, Table 1A (which is a type "A" landscape buffer) shall be submitted for approval by the Zoning Division. The landscaping indicated on this approved plan must be planted within 6 months of completion of the lift station and maintained as long as the lift station is located on this site.
4. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

Petition #SE-00-09(M1)

Hotel Enterprises is requesting a modification of a previously approved special exception allowing a class "B" sign, to allow two secondary class "A" signs, in a Planned Development (PD) zoning district. The property addresses are 24430 and 24440 Sandhill Boulevard, Port Charlotte, Florida and is described as Lots 3 and 4 of Sandhill Crossings Subdivision, located in Section 6, Township 40 South, Range 23 East. The property contains +/- 5 acres. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Jim Girsecler, representing the sign company, said he was sworn in. He said he agrees with the staff report and conditions.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mr. Stout moved to close the public hearing, seconded by Mr. Truex. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

ACTION: A motion was presented by Bob Stout and seconded by Bill Truex that Petition SE-00-09(M1) be APPROVED based on the Growth Management Staff Report dated June 1, 2010

the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception with 4 conditions.

Motion was approved with a unanimous vote (4-0) with the following conditions:

1. This special exception is to allow only the following: one, 50 square foot, class "B" off-premise ground sign, located at 24430 Sandhill Boulevard (Lot 3), identifying only the business located at 24440 Sandhill Boulevard (Lot 4); one business identification wall sign located on the west wall of the building located at 24440 Sandhill Boulevard, not exceeding 188 square feet; and one wall sign located on the north wall of the building located at 24440 Sandhill Boulevard, not exceeding 75 square feet.
2. The off-premise class "B" ground sign, located at 24430 Sandhill Boulevard (Lot 3), may only be used to identify the business located at 24440 Sandhill Boulevard (Lot 4). If this use of this sign is ever discontinued then this sign shall be removed or it may be utilized as a primary class "A" on-premise sign to identify a business located at 24430 Sandhill Boulevard (Lot 3).
3. The site plan presented by the applicant as part of the petition is for illustrative purposes only. The proposed signs must comply with all other applicable codes, including the requirements for Sign Permits and Commercial Design Standards if applicable.
4. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

IX. Public Comments - None

X. Staff Comments - None

XI. Member Comments -

Mr. Thornberry said the Board members should have a backup in case anyone is out and when there are not enough board members to attend. He asked Mrs. Dozier to check into that.

XII. Next Meeting

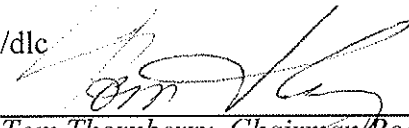
The next meeting of the Board of Zoning Appeals is scheduled for Wednesday, July 14, 2010, at 9:00 a.m., in Room 119.

There being no further business, the meeting **ADJOURNED** at 1:35 p.m.

Respectfully submitted,

Diane Clim, Recorder

/dlc



Tom Thornberry, Chairman/Board of Zoning Appeals

Approval Date. 7-14-10